

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**MINUTES - DETENTION HEARING - REVIEW/RECONSIDERATION OF BAIL / DETENTION ORDER -  
NEBBIA HEARING**

Case No. <u>Rene Rodriguez</u>	CourtSmart CS 10-3-23	Date: <u>October 3, 2023</u>
Present: The Honorable <u>Jacqueline Chooljian</u>		, U.S. Magistrate Judge
<u>Kerri Hays</u> <i>Deputy Clerk</i>	<u>Sophia Carrillo</u> <i>Assistant U.S. Attorney</i>	n/a <i>Interpreter / Language</i>
<u>Rene Rodriuez</u> USA v.	Attorney Present for Defendant:  <u>Kim Savo</u>	
<input checked="" type="checkbox"/> Present <input checked="" type="checkbox"/> Custody <input type="checkbox"/> Bond <input type="checkbox"/> Not present		<input checked="" type="checkbox"/> Present <input type="checkbox"/> CJA <input type="checkbox"/> Retd <input checked="" type="checkbox"/> DFPD <input type="checkbox"/> Not present

**PROCEEDINGS: DETENTION HEARING** Contested detention hearing is held.

Government's request for detention is:  GRANTED  DENIED  WITHDRAWN  CONTINUED  
 Witnesses CST (see separate list).  Exhibits Marked/Admitted (see separate list).  
 Court orders that exhibits be returned to the respective counsel / party of record.  
 See Receipt for Release of Exhibits to Counsel.  
 Counsel stipulation to bail.  
 Court finds presumption under 18 USC 3142e \_\_\_\_\_ has not been rebutted.  
 Court ORDERS DEFENDANT PERMANENTLY DETAINED. See separate detention order.  
 Court finds presumption under 18 USC 3142e \_\_\_\_\_ has been rebutted.  
 Court sets bail at: \$ 25,000.00.  SEE ATTACHED COPY OF CR-01 BOND FORM

**FOR CONDITIONS OF RELEASE.**

Court orders that defendant be detained for a period not to exceed ten (10) Court days. See separate order re temporary detention.  
 Court orders further detention / bail hearing to be set on \_\_\_\_\_ at \_\_\_\_\_  a.m. /  p.m. in Courtroom \_\_\_\_\_ before Judge \_\_\_\_\_  
 Court orders case continued to \_\_\_\_\_ at \_\_\_\_\_  a.m. /  p.m. for \_\_\_\_\_, in Courtroom \_\_\_\_\_ before Judge \_\_\_\_\_  
 Release Order Issued - Release No. \_\_\_\_\_  
 Other: \_\_\_\_\_

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**PROCEEDINGS:**  REVIEW / RECONSIDERATION OF BAIL / DETENTION ORDER - BOND HEARING  
 NEBBIA HEARING

Hearing on  Plaintiff's  Defendant's request for review / reconsideration of bail / detention order had and request is:  
 GRANTED  DENIED

Court ORDERS bail as to the above-named defendant  modified to  set at: \$ \_\_\_\_\_  
 SEE ATTACHED COPY OF CR-01 BOND FORM FOR CONDITIONS OF RELEASE.

Bond previously set is ordered vacated.  
 Court orders defendant permanently detained. See separate order.  
 Court denies request for bail, defendant shall remain permanently detained as previously ordered.  
 Witnesses CST (see separate list).  Exhibits Marked / Admitted (see separate list).  
 Court orders that exhibits be returned to the respective counsel / party of record.  
 See Receipt for Release of Exhibits to Counsel.  
 Case continued to \_\_\_\_\_ at \_\_\_\_\_  a.m. /  p.m. for \_\_\_\_\_ before Judge \_\_\_\_\_ in Courtroom \_\_\_\_\_  
 Nebbia conditions are satisfied and the Government approves the bond package as presented to the Court.  
 Other \_\_\_\_\_

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Release Order Issued - Release No. \_\_\_\_\_ : 48  
Deputy Clerk Initials klh

## UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case Name: United States of America v. RENE RODRIGUEZCase No. SACV23-123-DOC Defendant  Material WitnessViolation of Title and Section: 18:2252A(a)(2)(A), (b)(1); 18:2252A(A)(5)(B), (b)(2) Summons  Out of District  UNDER SEAL  Modified Date: \_\_\_\_\_

Check only one of the five numbered boxes below and any appropriate lettered box (unless one bond is to be replaced by another):

<p>1. <input type="checkbox"/> Personal Recognizance (Signature Only)</p> <p>2. <input type="checkbox"/> Unsecured Appearance Bond \$ _____</p> <p>3. <input checked="" type="checkbox"/> Appearance Bond \$ <u>25,000.00</u></p> <p>(a). <input type="checkbox"/> Cash Deposit (Amount or %) (Form CR-7) _____</p> <p>(b). <input checked="" type="checkbox"/> Affidavit of Surety Without Justification (Form CR-4) Signed by: <u>Maguerite Ybarra, Mother</u> _____ _____ _____ _____ _____ _____</p>	<p>(c). <input type="checkbox"/> Affidavit of Surety With Justification (Form CR-3) Signed by: _____ _____ _____ _____</p> <p><input type="checkbox"/> With Full Deeding of Property: _____ _____ _____ _____</p> <p>4. <input type="checkbox"/> Collateral Bond in the Amount of (Cash or Negotiable Securities): \$ _____</p> <p>5. <input type="checkbox"/> Corporate Surety Bond in the Amount of: \$ _____</p>	<p>Release Date: _____</p> <p><input type="checkbox"/> Released by: _____ _____ (Judge / Clerk's Initials)</p> <p><input type="checkbox"/> Release to U.S. Probation and Pretrial Services ONLY</p> <p><input type="checkbox"/> Forthwith Release _____</p> <p><input type="checkbox"/> All Conditions of Bond (Except Clearing-Warrants Condition) Must be Met and Posted by: _____</p> <p><input type="checkbox"/> Third-Party Custody Affidavit (Form CR-31) _____</p> <p><input checked="" type="checkbox"/> Bail Fixed by Court: JC _____ / kh (Judge / Clerk's Initials)</p>
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## PRECONDITIONS TO RELEASE

The government has requested a Nebbia hearing under 18 U.S.C. § 3142(g)(4).

The Court has ordered a Nebbia hearing under § 3142 (g)(4).

The Nebbia hearing is set for \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

## ADDITIONAL CONDITIONS OF RELEASE

In addition to the GENERAL CONDITIONS of RELEASE, the following conditions of release are imposed upon you:

Submit to United States Probation and Pretrial Services supervision as directed by Supervising Agency.

Surrender all passports and travel documents to Supervising Agency no later than \_\_\_\_\_, sign a Declaration re Passport and Other Travel Documents (Form CR-37), and do not apply for a passport or other travel document during the pendency of this case.

Travel is restricted to CDCA unless prior permission is granted by Supervising Agency to travel to a specific other location. Court permission is required for international travel as well as for any domestic travel if the defendant is in a Location Monitoring Program or as otherwise provided for below.

Reside as approved by Supervising Agency and do not relocate without prior permission from Supervising Agency.

Defendant's Initials: RRDate: 10/3/23

Case Name: United States of America v. RENE RODRIGUEZCase No. SACV23-123-DOC Defendant  Material Witness

Maintain or actively seek employment unless excused by Supervising Agency for schooling, training, or other reasons approved by Supervising Agency. Verification to be provided to Supervising Agency.  Employment to be approved by Supervising Agency.

Avoid all contact, directly or indirectly (including by any electronic means), with any known victim or witness in the subject investigation or prosecution,  including but not limited to \_\_\_\_\_;  except for \_\_\_\_\_.

Avoid all contact, directly or indirectly (including by any electronic means), with any known codefendants except in the presence of counsel. Notwithstanding this provision, you may have contact with the following codefendants without your counsel present: \_\_\_\_\_.

Do not possess any firearms, ammunition, destructive devices, or other dangerous weapons.  Surrender any such item as directed by Supervising Agency by \_\_\_\_\_ and provide proof to Supervising Agency.  In order to determine compliance, you agree to submit to a search of your person and property by Supervising Agency, which may be in conjunction with law enforcement.

Do not use or possess any identification, mail matter, access device (including, but not limited to, credit and debit cards), or any identification-related material other than in your own legal or true name without prior permission from Supervising Agency.  
 In order to determine compliance, you agree submit to a search of your person and property by Supervising Agency, which may be in conjunction with law enforcement.

Do not engage in telemarketing.

Do not sell, transfer, or give away any asset valued at \$ \_\_\_\_\_ or more without notifying and obtaining permission from the Court, except \_\_\_\_\_.

Do not engage in tax preparation for others.

Do not use alcohol.  Submit to alcohol testing. If directed to do so, participate in outpatient treatment as approved by Supervising Agency. Testing may include any form of prohibited-substance screening or testing. You must pay all or part of the costs for testing based upon your ability to pay as determined by Supervising Agency.

Do not use or possess illegal drugs or state-authorized marijuana.  Submit to drug testing. Testing may include any form of prohibited-substance screening or testing. You must pay all or part of the costs for testing based upon your ability to pay as determined by Supervising Agency. If directed to do so, participate in outpatient treatment as approved by Supervising Agency.  
 In order to determine compliance, you agree to submit to a search of your person and property by Supervising Agency, which may be in conjunction with law enforcement.

Do not use for purposes of intoxication any controlled substance analogue as defined by federal law or any street, synthetic, or designer psychoactive substance capable of impairing mental or physical functioning more than minimally, except as prescribed by a medical doctor.

Participate in residential substance abuse treatment as directed by Supervising Agency. You must pay all or part of the costs of treatment based upon your ability to pay as determined by Supervising Agency.  Release to Supervising Agency only.

Participate in mental health treatment, which may include evaluation, counseling, or treatment as directed by Supervising Agency. You must pay all or part of the costs based upon your ability to pay as determined by Supervising Agency.

Defendant's Initials:

RR

Date:

10/3/23

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Case Name: United States of America v. **RENE RODRIGUEZ**

Case No. SACV23-123-DOC

Defendant  Material Witness

Participate in the Location Monitoring Program marked below and abide by all of the requirements of the program and any indicated restrictions, under the direction of the Supervising Agency. You must pay all or part of the costs of the program based upon your ability to pay as determined by the Supervising Agency. You are financially responsible for any lost or damaged equipment.

#### **1. Location Monitoring Restrictions (Select One)**

**Location Monitoring only - no residential restrictions**

**Curfew:** Curfew requires you to remain at home during set time periods. (Select One)

As directed by Supervising Agency; or

You are restricted to your residence every day from \_\_\_\_\_ to \_\_\_\_\_

**Home Detention:** Home detention requires you to remain at home at all times except for employment, education, religious services, medical needs or treatment, attorney visits, court appearances and obligations, essential needs, and \_\_\_\_\_, all of which must be preapproved by the Supervising Agency.

**Home Incarceration:** Home Incarceration requires you to be at home 24 hours a day except for medical needs or treatment, attorney visits, court appearances or obligations, and \_\_\_\_\_, all of which must be preapproved by Supervising Agency.

#### **2. Location Monitoring Technology (Select One)**

Location Monitoring technology at the discretion of the Supervising Agency. (If checked, skip to 3)

**Location Monitoring with an ankle monitor (Select one below)**

at the discretion of the Supervising Agency or

Radio Frequency (RF) or

Global Positioning System (GPS)

or

Location Monitoring **without** an ankle monitor (Select one below)

at the discretion of the Supervising Agency or

Virtual/Biometric (smartphone required to participate) or

Voice Recognition (landline required to participate)

#### **3. Location Monitoring Release Instructions (Select One)**

Release to Supervising Agency only or  Enroll in the location monitoring program within 24 hours of release.

You are placed in the third-party custody (*Form CR-31*) of \_\_\_\_\_.

Clear outstanding  warrants or  DMV and traffic violations and provide proof to Supervising Agency within \_\_\_\_\_ days of release from custody.

Defendant's Initials:

RR

Date:

10/3/23

Case Name: United States of America v. **RENE RODRIGUEZ**

Case No. SACV23-123-DOC

Defendant  Material Witness

- Possess and use only those digital devices, screen usernames, email accounts, social media accounts, messaging applications and cloud storage accounts, as well as any passwords or passcodes for all such digital devices and accounts, that you disclosed to Supervising Agency upon commencement of supervision. You must disclose any new devices, accounts, application, passwords, or passcodes to Supervising Agency prior to the first use. A digital device is any electronic system or device that can access, view, obtain, store, or transmit digital data.  In order to determine compliance, you agree to submit to a search of your person and property, including digital devices, by Supervising Agency, which may be in conjunction with law enforcement.
- All digital devices will be subject to monitoring by Supervising Agency. You must comply with the rules and regulations of the Computer Monitoring Program and must pay the cost of the Computer Monitoring Program.
- Do not use or possess more than one virtual currency wallet/account, and that one wallet/account must be used for all virtual currency transactions. Do not obtain or open a virtual currency wallet/account without prior approval of Supervising Agency. You must disclose all virtual currency wallets/accounts to Supervising Agency when supervision starts and must make them available to Supervising Agency upon request. You may use or possess only open public blockchain virtual currencies and are prohibited from using private blockchain virtual currencies unless prior approval is obtained from Supervising Agency.  In order to determine compliance, you agree to submit to a search of your person and property, including computer hardware and software, which may be in conjunction with law enforcement.

#### Cases Involving a Sex-Offense Allegation

- Possess and use only those digital devices, screen usernames, email accounts, social media accounts, messaging applications and cloud storage accounts, as well as any passwords or passcodes for all such digital devices and accounts, that you disclosed to Supervising Agency upon commencement of supervision. You must disclose any new devices, accounts, application, passwords, or passcodes to Supervising Agency prior to the first use. A digital device is any electronic system or device that can access, view, obtain, store, or transmit visual depictions of sexually explicit conduct involving children.  In order to determine compliance, you agree to submit to a search of your person and property, including digital devices, by Supervising Agency, which may be in conjunction with law enforcement.
- All digital devices will be subject to monitoring by Supervising Agency. You must comply with the rules and regulations of the Computer Monitoring Program and must pay the cost of the Computer Monitoring Program.
- Do not associate or have verbal, written, telephonic, electronic, or any other communication with any person under the age of 18 except in the presence of the parent or legal guardian of the minor after you have notified the parent or legal guardian of the pending charges or convictions involving a sex offense and only as authorized by Supervising Agency
- Do not enter or loiter within 100 feet of schoolyards, parks, public swimming pools, playgrounds, youth centers, video arcade facilities, amusement and theme parks, or other places frequented by persons under the age of 18 and only as authorized to do so by Supervising Agency.
- Do not be employed by, affiliated with, own, control, or otherwise participate directly or indirectly in the operation of any daycare facility, school, or other organization dealing with the care, custody, or control of children under the age of 18.
- Do not view or possess child pornography or child erotica, including but not limited to pictures, photographs, books, writings, drawings, or videos depicting or describing child pornography.  In order to determine compliance, you agree to submit to a search of your person and property, including computer hardware and software, by Supervising Agency, which may be in conjunction with law enforcement..

Defendant's Initials: RR Date: 10/3/23

Case Name: United States of America v. RENE RODRIGUEZ

Case No. SACV23-123-DOC

 Defendant  Material Witness **Other conditions:**

Defendant shall disclose the nature and circumstances of the alleged offense to the mother of his children and to the family Court and allow for the Supervising Agency to verify disclosure.

Defendant is not to have overnight visit with his son.

Defendant's visitation with his son must be supervised by a third-party approved by the Supervising Agency.

If family Court so orders visitation, the mother must approve visitation.

Defendant should not be alone anyone under 18 years of age.

Defendant may not use any digital devices until the monitoring software is installed. Any may not use any device on which that software is not installed.

### GENERAL CONDITIONS OF RELEASE

I will appear in person in accordance with any and all directions and orders relating to my appearance in the above entitled matter as may be given or issued by the Court or any judicial officer thereof, in that Court or before any Magistrate Judge thereof, or in any other United States District Court to which I may be removed or to which the case may be transferred.

I will abide by any judgment entered in this matter by surrendering myself to serve any sentence imposed and will obey any order or direction in connection with such judgment as the Court may prescribe.

I will immediately inform United States Probation and Pretrial Services and my counsel of any change in my contact information, including my residence and telephone number, including cell phone number, so that I may be reached at all times.

I will not commit a federal, state, or local crime during the period of release. I will inform Supervising Agency of law enforcement contact within 72 hours of being arrested or questioned by a law enforcement officer.

I will not intimidate any witness, juror, or officer of the court or obstruct the criminal investigation in this case. Additionally, I will not tamper with, harass, or retaliate against any alleged witness, victim, or informant in this case. I understand that if I do so, I may be subject to further prosecution under the applicable statutes.

I will cooperate in the collection of a DNA sample under 42 U.S.C. § 14135a.

Defendant's Initials:

*RR*

Date:

10/3/23

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Case Name: United States of America v. RENE RODRIGUEZ

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 Defendant  Material Witness**ACKNOWLEDGMENT OF DEFENDANT/MATERIAL WITNESS**

As a condition of my release on this bond, pursuant to Title 18 of the United States Code, I have read or have had interpreted to me and understand the general conditions of release, the preconditions, and the additional conditions of release and agree to comply with all conditions of release imposed on me and to be bound by the provisions of Local Criminal Rule 46-6.

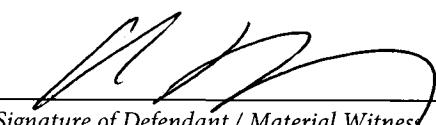
Furthermore, it is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which will continue in full force and effect until such time as duly exonerated.

I understand that violation of any of the general and/or additional conditions of release of this bond may result in a revocation of release, an order of detention, and a new prosecution for an additional offense which could result in a term of imprisonment and/or fine.

I further understand that if I fail to obey and perform any of the general and/or additional conditions of release of this bond, this bond may be forfeited to the United States of America. If said forfeiture is not set aside, judgment may be summarily entered in this Court against me and each surety, jointly and severally, for the bond amount, together with interest and costs. Execution of the judgment may be issued or payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States, and any cash or real or personal property or the collateral previously posted in connection with this bond may be forfeited.

10/3/23

Date


  
Signature of Defendant / Material Witness

714.949.8844

Telephone Number

ANAHEIM, CA  
 City and State (DO NOT INCLUDE ZIP CODE)

Check if interpreter is used: I have interpreted into the \_\_\_\_\_ language this entire form and have been told by the defendant that he or she understands all of it.

Interpreter's Signature

Date

Approved:

United States District Judge / Magistrate Judge

Date

If cash deposited: Receipt # \_\_\_\_\_ for \$ \_\_\_\_\_

(This bond may require surety agreements and affidavits pursuant to Local Criminal Rule 46.)

Defendant's Initials: RR

Date: 10/3/23

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